



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### NOTICE OF PROPOSED REGULATORY ACTIONS

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

#### PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add section 565.5 entitled "Fees for Actuarial Valuations" to Article 4 in Title 2 of the California Code of Regulations. This proposed regulatory action pertains to actuarial valuations prepared by CalPERS for public agencies considering participation in CalPERS or public agencies considering amendment of their existing CalPERS contracts.

#### WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on May 17, 2004. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 326-3379; e-mail at [marilyn\\_clark@calpers.ca.gov](mailto:marilyn_clark@calpers.ca.gov) or mailed to the following address:

Marilyn Clark, Regulations Coordinator  
California Public Employees' Retirement System  
400 P Street, Room 1120  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 326-3007

#### PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of

the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

June 15, 2004

9:00 a.m.

California Public Employees' Retirement System  
400 P Street  
Sacramento, California 95814

#### ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

#### AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code section 20121. The Board has specific authority to adopt proposed sections 565.5 under Government Code Section 20463. This action would implement, interpret and make specific Government Code section 20463.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 20463, subdivision (d) authorizes the Board to establish limits on the number of actuarial valuations that CalPERS will provide for each contract and to set the fees, if any, that will be assessed for each valuation provided.

Proposed section 565.5 provides that actuarial valuation fees for public agency contract amendments or for the establishment of new agency contracts shall reflect the cost to the system for preparing the valuation and that such fees shall be set from time to time by the Board.

#### EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to public agencies considering participation in PERS or public agencies considering amendment of their existing contract.

#### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or

school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.

- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory actions will not have a significant statewide adverse economic impact directly affecting businesses including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person, or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no significant effect on housing costs.

#### **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

#### **CONTACT PERSONS**

Please direct inquiries concerning the substance of the proposed regulatory action to:

William Kasirye  
Actuarial and Employer Services Division  
California Public Employees' Retirement System  
P.O. Box 942709  
Sacramento, California 94229-2709

Telephone: (916) 331-4232

Fax: (916) 341-2744

E-mail: [william\\_kasirye@calpers.ca.gov](mailto:william_kasirye@calpers.ca.gov)

Please direct requests concerning processing of this regulatory action to Marilyn Clark, Regulations Coordinator, at the address shown above, or Barbara Galli at (916) 558-4098.

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Marilyn Clark, Regulation Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web site at [www.calpers.ca.gov](http://www.calpers.ca.gov) under Members, About CalPERS, Proposed Regulatory Actions.

#### **AVAILABILITY OF MODIFICATIONS TO PROPOSED REGULATION**

The Board may, on its own motion or at the recommendation of any interested person, modify the text of the proposed regulation after the public comment period has closed. It may adopt section 565.5 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

## **TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

### **NOTICE OF PROPOSED REGULATORY ACTION**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes

to take the action described below in the Informative Digest after considering public comments, objections, or recommendations.

#### **PROPOSED REGULATORY ACTION**

In this filing, the Board proposes to amend section 599.500(t) and establish section 599.511 entitled "Alternative Benefit Plans" in Title 2 of the California Code of Regulations. This proposed regulatory action would define the term "alternative benefit plan" in section 599.500(t) and further provide the Board with authority to approve alternative benefit plans for contracting agencies should the Board choose to as set forth in proposed section 599.511.

#### **WRITTEN COMMENT PERIOD**

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 pm on May 17, 2004. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 326-3379; email at the following address: marilyn\_clark@calpers.ca.gov; or mailed to the following address:

Marilyn Clark, Regulations Coordinator  
California Public Employees' Retirement System  
400 P Street, Room 1120  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 326-3007

#### **PUBLIC HEARING**

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Health Benefits Committee:

May 18, 2004  
10:00 a.m. (or immediately following the meeting  
of the Benefits and Program Administration  
Committee)  
California Public Employees' Retirement System  
400 P Street, Sacramento, California 95814

#### **ACCESS TO HEARING ROOM**

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

#### **AUTHORITY AND REFERENCE**

Government Code section 22773 grants the Board "all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed upon it" pursuant to the Public Employees' Medical and Health Care Act (PEMHCA). In addition, Government Code section 22775 empowers the

CalPERS Board to adopt all necessary rules and regulations to carry out the provisions of PEMHCA "including but not limited to establishing the scope and content of a basic health benefits plan, regulations fixing reasonable minimum standards for health benefits plans, regulations fixing the time, manner, method and procedures for determining whether approval of any plan should be withdrawn, and regulations pertaining to any other matters it may be expressly authorized or required to provide for by rule or regulation by the provisions of this part." When adopting such rules and regulations, section 22775 directs the Board to "be guided by the needs and welfare of individual employees, particular classes of employees, and of the State, as well as prevailing practices in the field of prepaid medical and hospital care."

Government Code section 22790(e)(2) authorizes the Board to contract for, or approve, health benefit plans exclusively for the employees and annuitants of contracting agencies, including offering health benefit plans in addition to or in lieu of other health benefit plans offered. The governing body of a contracting agency may elect, upon the filing a resolution with the board, to provide those health benefit plans to its employees and annuitants.

The attached amendment to section 599.500 and proposed section 599.511 implement, interpret and make specific Government Code Section 22790(e)(2).

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

This proposed action would implement, interpret and make specific Government Code section 22790(e)(2). This proposed action would provide criteria for approving alternative benefit plans in the event the board elects to offer such plans, specifies that State employees and annuitants are not eligible to enroll in such plans, and establishes criteria for the effective dates of resolutions that are submitted by contracting agencies to elect such plans.

The proposed action would amend existing section 599.500 to define the term "alternative benefit plan." The proposed action would also adopt proposed section 599.511 authorizing the Board to approve alternative benefit plans for contracting agencies should it choose to do so.

#### **EFFECT ON SMALL BUSINESS**

The proposed regulatory action does not affect small business because it applies only to state and public agency participation under the PEMHCA.

#### **DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

**A. MANDATE ON LOCAL AGENCIES AND  
SCHOOL DISTRICTS:** The proposed regulatory



action does not impose a mandate on local agencies or school districts.

- B. COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.
- D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory actions will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person, or business would necessarily incur in reasonable compliance with the proposed action.
- H. IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. EFFECT ON HOUSING COSTS:** The proposed regulatory action has no significant effect on housing costs.

#### **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

#### **CONTACT PERSONS**

Please direct inquiries concerning the substance of the proposed regulatory action to:

Heather Martin, Policy Unit  
Office of Health Policy and Plan Administration  
California Public Employees' Retirement System  
P.O. Box 942714  
Sacramento, California 94229-2714  
Telephone: (916) 795-0333  
Fax: (916) 658-1277  
E-mail: heather\_martin@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Marilyn Clark, Regulations Coordinator, at (916) 326-3007, or Barbara Galli, backup Regulations Coordinator, at (916) 558-4098.

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Marilyn Clark, Regulations Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web site at [www.calpers.ca.gov](http://www.calpers.ca.gov) under Members, About CalPERS, Proposed Regulatory Actions.

#### **AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT**

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed amendment to the regulation after the public comment period has closed. It may amend sections 599.500 or 599.511 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

## TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

### NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the action described below in the Informative Digest after considering public comments, objections, or recommendations.

### PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend section 599.508(a)(7) in Title 2 of the California Code of Regulations. This proposed regulatory action provides the Board with authority to approve health benefit plans that charge contracting agency employees and annuitants health benefit premium rates based on regional variations in the costs of health care services.

### WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 pm on May 17, 2004. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 326-3379; email at the following address: marilyn\_clark@calpers.ca.gov; or mailed to the following address:

Marilyn Clark, Regulations Coordinator  
California Public Employees' Retirement System  
400 P Street, Room 1120  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 326-3007

### PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Health Benefits Committee:

May 18, 2004  
10:00 a.m. (or immediately following the Benefits and Program Administration Committee Meeting)  
California Public Employees' Retirement System  
400 P Street  
Sacramento, California 95814

### ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

## AUTHORITY AND REFERENCE

Government Code section 22773 grants the Board "all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed upon it" pursuant to the Public Employees' Medical and Hospital Care Act (PEMHCA). In addition, Government Code section 22775 empowers the CalPERS Board to adopt all necessary rules and regulations to carry out the provisions of PEMHCA "including but not limited to establishing the scope and content of a basic health benefits plan, regulations fixing reasonable minimum standards for health benefits plans, regulations fixing the time, manner, method and procedures for determining whether approval of any plan should be withdrawn, and regulations pertaining to any other matters it may be expressly authorized or required to provide for by rule or regulation by the provisions of this part." When adopting such rules and regulations, section 22775 directs the Board to "be guided by the needs and welfare of individual employees, particular classes of employees, and of the State, as well as prevailing practices in the field of prepaid medical and hospital care."

Government Code section 22790(e)(1) authorizes the Board to contract for, or approve, health benefit plans that charge employees and annuitants of contracting agencies rates based on regional variations in the cost of health care services.

Government Code section 22794(b)(3) authorizes the Board to adjust the rates charged under any health benefits plan to employees and annuitants of contracting agencies based on regional variations in the cost of health care services.

The attached amendment to section 599.508(a)(7) would implement, interpret and make specific Government Code Sections 22790(e)(1) and 22794(b)(3).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed action would implement, interpret and make specific Government Code sections 22790(e)(1) and 22794(b)(3) by establishing regulatory authority that permits CalPERS to approve a health benefits plan that charges contracting agency employees and annuitants rates that are based on regional variations in the costs of the health care services.

## EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to state and public agency participation under the PEMHCA.

**DISCLOSURES REGARDING THE PROPOSED  
REGULATORY ACTION**

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory actions will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person, or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no significant effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments

with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

**CONTACT PERSONS**

Please direct inquiries concerning the substance of the proposed regulatory action to:

Heather Martin, Policy Unit  
Office of Health Policy and Plan Administration  
California Public Employees' Retirement System  
P.O. Box 942714  
Sacramento, California 94229-2714  
Telephone: (916) 795-0333  
Fax: (916) 658-1277  
E-mail: heather\_martin@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Marilyn Clark, Regulations Coordinator, at (916) 326-3007, or Barbara Galli, backup Regulations Coordinator, at (916) 558-4098.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Marilyn Clark, Regulations Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web site at [www.calpers.ca.gov](http://www.calpers.ca.gov) under Members, About CalPERS, Proposed Regulatory Actions.

**AVAILABILITY OF MODIFICATIONS TO  
PROPOSED AMENDMENT**

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed amendment to the regulation after the public comment period has closed. It may amend section 599.508 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the



comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture proposes to amend Section 1472.5 and adopt new Section 1472.8 of the regulations in Title 3 of the California Code of Regulations pertaining to tomatoes.

Notice is also given of a written public comment period. Any interested person may present statements or arguments in writing relevant to the proposed regulation until 5:00 p.m. on May 21, 2004. Please refer to the contact section of this notice for the contact persons and address information when submitting comments.

A public hearing is not scheduled but will be if any interested person, or his or her duly authorized representative, submits a written request for public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing (if one is requested) or following the written comment period (if no public hearing is requested), the Department of Food and Agriculture, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 1472.5 provides criteria for labeling tomatoes as "vine ripened". The existing regulation allows tomatoes to be labeled as vine ripened if the skin surface or the flesh has attained some discernible degree of pink or red color at the time it is prepared or packed for distribution.

The specific purpose of amending Section 1472.5 is to specify that a tomato labeled as vine ripened must have attained some discernible degree of pink or red color at the time of harvesting.

Currently, Article 43 of the California Code of Regulations does not provide a definition for the term "greenhouse grown" or criteria for tomatoes labeled as such.

Section 78636(b) of the California Food and Agricultural Code provides a definition for the term "greenhouse grown" as it pertains to tomatoes. The specific purpose of amending Article 43 is to adopt this definition into the California Code of Regulations as Section 1472.8 and establish criteria for labeling tomatoes as "greenhouse grown".

#### FISCAL IMPACT STATEMENTS

The Department has initially determined that these proposed regulations would have no effect on savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department determined that these proposed regulations do not impose a mandate on local agencies or school districts.

#### EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes in the regulations would result in no significant added costs to small businesses affected by these proposed changes. The Department does recognize that there could be a potential economic impact to some growers. This is based on the fact that vine ripened tomatoes tend to be sold at a higher rate than other tomatoes thus generating more revenue. Currently growers have the ability to label tomatoes as vine ripened as long as they meet the color criteria at the time of preparing or packing regardless of the growing or ripening method. Some growers are harvesting green tomatoes and treating them with ethylene to begin the ripening process. Consumers are paying a premium price for tomatoes they believe were ripened on the vine. The proposed regulation changes would no longer allow ethylene treated tomatoes to be labeled as vine ripened.

However, the Department believes the proposed regulation changes are necessary to protect the integrity of the industry as well as consumers from deceptive agricultural practices. The proposed changes meet the needs of both, the affected commodity group and the consumer, without requiring substantial changes on the part of industry.

#### EFFECT ON HOUSING COSTS

The Department has initially determined that the amendments of the proposed regulation would have no effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that these proposed changes would have no significant, statewide adverse economic impact directly affecting businesses, including the ability for California businesses to compete with businesses in other states.

#### ASSESSMENT STATEMENT

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The Department is not aware of any significant cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

#### AUTHORITY AND REFERENCE

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407, 42681, 42682, and 42684 of the Food and Agricultural Code, and to implement, interpret, and make specific Section 42941 and 42514 of the Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

#### CONTACT

Inquiries concerning the proposed administrative action may be directed to Sonja Dame or Gary Manning. Inquiries pertaining to the substance of the proposed regulation may be directed to Gary Manning. The contact persons may be reached at the Department of Food and Agriculture, Inspection and Compliance Branch, 1220 N Street, Sacramento, CA 95814, (916) 445-2180, fax (916) 445-2427. Written comments may also be submitted via e-mail to [sdame@cdfa.ca.gov](mailto:sdame@cdfa.ca.gov).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

A complete copy of existing regulations, the proposed changes, and the Initial Statement of Reasons may be obtained on request from the Department of Food and Agriculture. These documents are available on our website at [www.cdfa.ca.gov/cdfa/regs](http://www.cdfa.ca.gov/cdfa/regs).

In addition, all information, including reports, documentation, and other materials (rulemaking file) related to the proposed action is available upon request from the agency contact persons named in the notice.

The Final Statement of Reasons, when available, may also be obtained from the agency contact persons named in the notice. The text of the proposed regulations with any sufficiently related changes clearly indicated will be made available for 15 days prior to adoption.

### **TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

#### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **May 20, 2004**, at 10:00 a.m. in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **May 20, 2004**, following the Public Meeting in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **May 20, 2004**, following the Public Hearing in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the

Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders and Logging and Sawmill Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on May 20, 2004.

1. TITLE 8. GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 107  
Section 5147  
**Respiratory Protection for M. Tuberculosis**
2. TITLE 8. LOGGING AND SAWMILL SAFETY ORDERS  
Chapter 4, Subchapter 13, Article 5  
Section 6283(a)  
**Leg Protection for Portable Chain Saw Operations**

A description of the proposed changes are as follows:

1. TITLE 8. GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 107  
Section 5147  
**Respiratory Protection for M. Tuberculosis**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to proceed with the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) published a final rule addressing Respiratory Protection for M. [Mycobacterium] Tuberculosis on December 31, 2003. In that final rule, OSHA vacated Title 29 Code of Federal Regulations, Section 1910.139 and required respiratory protection for TB to be covered by the general respiratory protection standard, 29 CFR section 1910.143. The Board is relying on the explanation of the provisions of the federal standards in Federal Register, Volume 68, No. 250, pages 75776-75780,

December 31, 2003, as the justification for the Board's proposed rulemaking action. The Board proposes to delete Section 5147 which is the same as the vacated federal section 1910.139 except for editorial and format differences.

Section 5147 currently establishes respiratory protection requirements for employees potentially exposed to M. Tuberculosis. This applies especially to workers in health care and correctional facilities where persons infected with M. Tuberculosis are more likely to be present than in other work settings. The primary differences between the respiratory protection standards in Section 5147 and Section 5144 that currently applies to other industries is that Section 5147 does not require a medical evaluation or an annual fit test for the respirator user. Therefore, Section 5144 is more protective and effective for respirator users.

The proposed deletion is substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas. The final version of this proposal may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

#### COST ESTIMATES OF PROPOSED ACTION

The federal preamble, Table 1, estimates a nationwide, annual total cost to employers of \$11,679,719, with the estimated cost for: (1) modifying the respirator program at \$325,000, (2) fit-testing at \$10,716,719, and (3) recordkeeping at \$638,000. Based on the State's portion of employers' costs represented by this figure, the annual State cost to employers is estimated to be approximately ten percent of the national total, \$1.17 million. Since the State's standard is required to be at least as effective as the federal standard, these costs are the result of the federal changes.



#### DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulatory change does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this regulatory change does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulatory change does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulatory change requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulatory change does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulatory change does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. Where small businesses have potential occupational exposure to TB, these businesses would incur a portion of the costs estimated previously for all employers.

#### ASSESSMENT

The adoption of the proposed amendment to the standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### 2. TITLE 8. LOGGING AND SAWMILL SAFETY ORDERS

Chapter 4, Subchapter 13, Article 5  
Section 6283(a)

#### **Leg Protection for Portable Chain Saw Operations**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action was initiated at the request of the Division of Occupational Safety and Health (Division). In a memorandum from the Division to the Occupational Safety and Health Standards Board (Board) dated June 6, 2001, the Division asserted that the existing requirements in the Logging and Sawmill Safety Orders, Section 6283(a) do not provide employers clear and specific information as to what constitutes minimally acceptable leg protection for chain saw operators.

In order to clarify certain acceptable leg protection for logging employees using chain saws, amendments are proposed for Section 6283(a) to require that protective garments, such as chaps be labeled as meeting the specifications of American Society for Testing and Materials (ASTM) F 1897-98, Standard Specification for Leg Protection for Chain Saw Users.

#### Section 6283. Portable Chain Saw Operations.

#### Subsection (a)

Section 6283 provides the general requirements for portable chain saw operations. Existing subsection (a) requires that logging employees who operate chain saws shall use leg protection (chaps, pads, or inserts). An amendment is proposed for subsection (a) to require that leg protection such as chaps, inserts, or other protective garments or devices be labeled as meeting the specifications of ASTM F 1897-98, Standard Specification for Leg Protection for Chain Saw Users. The existing standard does not specify the minimum design standards that protective garments must conform to and ineffective materials could be used that result in injuries. The ASTM F 1897-98 standard is proposed as a labeling requirement because it specifies the design of protective garments for leg protection and includes inspection and performance testing for the manufacturer in order to ensure the effectiveness of the cut-resistant materials used. Leg protection for chain saw users is labeled by manufacturers as meeting the ASTM F 1897 Standard. Therefore, the employer will need to verify that the protective wear used is labeled as meeting the ASTM F 1897 Standard. The effect of the amendment will be to specify an industry accepted national consensus standard to address the appropriate design criteria for chain saw operator leg protection.



**COST ESTIMATES OF PROPOSED ACTION**

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal merely requires that leg protection used by chain saw operators will meet the specifications of the appropriate national consensus standard (ASTM F 1897-98, Standard Specification for Leg Protection for Chain Saw Users). According to contacts within the logging industry, it is already industry practice for chain saw operators to use leg protection that conforms to the requirements of the ASTM F 1897-98 standard.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, as the proposal reflects the industry practice.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

**EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated, as the proposal reflects the industry standard.

**ASSESSMENT**

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**REASONABLE ALTERNATIVES CONSIDERED**

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any

identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than May 14, 2004. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on May 20, 2004 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@hq.dir.ca.gov](mailto:oshsb@hq.dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## **TITLE 13. AIR RESOURCES BOARD**

### **NOTICE OF PUBLIC HEARING TO CONSIDER ENGINE MANUFACTURER DIAGNOSTIC SYSTEM REQUIREMENTS FOR 2007 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY ENGINES (EMD)**

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider adoption of proposed

California EMD requirements for 2007 and subsequent model year heavy-duty engines.

DATE: May 20, 2004

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency  
Air Resources Board  
1001 I Street  
Central Valley Auditorium, Second Floor  
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., May 20, 2004, and may continue at 8:30 a.m., May 21, 2004. This item might not be considered until May 21, 2004. Please consult the agenda for the meeting, which will be available at least ten days before May 20, 2004, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or [landreon@arb.ca.gov](mailto:landreon@arb.ca.gov) as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

### **INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW**

**Sections Affected:** Proposed adoption of title 13, California Code of Regulations (CCR) section 1971 for 2007 and subsequent model year heavy-duty engines.

**Background:** The Board originally adopted title 13, CCR section 1968.1 in 1989, which required manufacturers to implement second generation on-board diagnostic (OBD II) systems on new motor vehicles sold in California. OBD II systems serve an important role in helping to ensure that vehicles maintain low emissions and meet the emission standards. The regulation was first implemented beginning with the 1994 model year, and requires that essentially all new 1996 and later model year passenger cars, light-duty trucks, and medium-duty vehicles and engines be equipped with OBD II systems. The regulation specifically requires monitoring of engine misfire, catalysts, oxygen sensors, evaporative systems, fuel systems, and electronic powertrain components, among other components and systems that can affect emissions when malfunctioning. The regulations also require OBD II systems to provide specific diagnostic information in a standardized format through a standardized serial data link on-board the vehicles. Subsequently, the Board adopted section 1968.2 in 2002, which established OBD II requirements, for 2004 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles and engines.

Currently, there are no regulations in California requiring OBD systems on heavy-duty vehicles (i.e., vehicles with a gross vehicle weight rating greater than 14,000 pounds). Unfortunately, the emissions emitted from heavy-duty trucks, especially diesel trucks, are of great concern. Currently, diesel truck emissions account for about 28 percent and 16 percent of the total statewide mobile source oxides of nitrogen (NOx) and particulate matter (PM) emissions, respectively. NOx is a precursor to ozone as well as a lung irritant, while diesel PM is carcinogenic and has been identified as a toxic air contaminant by ARB. While emissions from heavy-duty diesels are of particular concern, emissions from heavy-duty gasoline vehicles are also of concern, given the state's ongoing problem in meeting state and federal ambient air quality standards. Additionally, the emission standards for heavy-duty vehicles have become increasingly stringent over the years. By 2004, the heavy-duty diesel emission standards for NOx and PM have been reduced by over 60 to 80 percent compared to the standards in 1990. In 2007, both emission standards would be reduced further by 90 percent compared to the 2004 standards. Emission standards for heavy-duty gasoline vehicles and engines are also similarly reduced in 2008. There must be some assurance that these standards continue to be met in-use, since emission-related malfunctions can cause vehicle emissions to increase well beyond the standards that they are intended to meet.

California's problems with ozone pollution continue to be the worst in the nation. In an effort to meet federal and state ambient air quality standards and comply with the federally mandated State Implementation Plan (SIP) to meet those standards, California has continued to be in the forefront in adopting the most stringent motor vehicle emissions control program in the nation. To complement the new emission standards for heavy-duty diesel engines, measure 17 (M17) was included as part of the SIP. Adopting diagnostic requirements for heavy-duty vehicles is an essential first step towards M17 to reduce emissions from on-road heavy-duty diesels.

**Staff Proposal:** As stated above, considering the amount of pollution emitted from heavy-duty vehicles (particularly NOx and PM emissions from diesel vehicles) and the increasingly stringent emission standards that will be phased in starting in the 2007–2008 timeframe, there must be some assurance that low emissions are maintained and the stringent standards are met in-use.

Staff is proposing the adoption of title 13, CCR section 1971 that would require first-generation diagnostic systems be equipped on all 2007 and subsequent model year on-road heavy-duty engines and vehicles produced for sale in California with a

GVWR greater than 14,000 pounds. These proposed requirements, which are referred to as engine manufacturer diagnostic system (EMD) requirements, build on the basic diagnostic system heavy-duty engine manufacturers are currently using to provide diagnostic capability for the most important emission control systems. Sufficient leadtime exists to implement the EMD system by the 2007 model year when emission standards become more stringent and universal use of particulate filters is expected. The EMD system would help ensure that the engines are able to meet the new emission standards and maintain low emissions for the life of the engine. It would accomplish this by monitoring the durability and performance of the emission control components and systems, and by providing technicians with information that would help in diagnosing and fixing malfunctions. Having first adopted OBD II requirements for light-duty and medium-duty vehicles in 1989, ARB staff has had extensive experience with OBD systems and in developing diagnostic requirements.

The proposal, however, does not reflect the level of diagnostics that staff plans on presenting to the Board for consideration in 2005 that will more closely reflect light- and medium-duty OBD II requirements. Recognizing the strict compliance schedule facing engine manufacturers to meet the stringent 2007 model year emission standards and the continued developments in new and emerging emission control technologies, the ARB staff is not proposing the immediate development of comprehensive OBD systems that require the monitoring of every emission-related component in the vehicle.

The proposed EMD regulation would require manufacturers to monitor the fuel system, exhaust gas recirculation (EGR) system, the PM trap, and emission-related electronic components. Unlike the requirements for light-duty vehicles, the proposed EMD monitoring requirements would not require manufacturers to tie the monitors to the emission standards (i.e., to indicate a malfunction before a specific emission threshold is reached). When a malfunction is detected, the proposed regulation would require the EMD system to illuminate a warning light, which could be an existing light or a new light based on the manufacturer's preference. Additionally, though the EMD system would be required to output diagnostic information for use by repair technicians, the proposed regulation would not establish standardized requirements defining the content or format of specific information required to be output.

As stated, this regulation is intended to be the first step towards adopting comprehensive heavy-duty OBD requirements analogous to the OBD II regulation. In the near future, staff will be proposing this



more complete OBD regulation for the Board's consideration. The future heavy-duty OBD regulation would address the new and improved emission control technologies used to help meet the 2010 standards as well as include requirements that would assist repair technicians and facilitate implementation of heavy-duty OBD checks in inspection and maintenance or other roadside inspection programs.

#### COMPARABLE FEDERAL REGULATIONS

Currently, the United States Environmental Protection Agency (U.S. EPA) has OBD requirements only for light-duty vehicles and trucks and federally defined "heavy-duty" vehicles and engines with a GVWR between 8,500 to 14,000 pounds. These are the same categories of vehicles covered by ARB's OBD II regulations, which apply to light- and medium-duty vehicles (where medium-duty is defined in California as the 8,500 to 14,000 pound GVWR range). However, like ARB, the U.S. EPA currently does not have OBD requirements for vehicles and engines above 14,000 pounds, which is the weight range for California's "heavy-duty" class. The U.S. EPA staff has indicated its intent to propose and adopt an OBD regulation for heavy-duty vehicles and engines over 14,000 pounds in the near future, and has indicated a strong interest in developing harmonized ARB and federal OBD programs.

#### AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action that includes a summary of the environmental and economic impacts of the proposal. The report is entitled: Engine Manufacturer Diagnostic Requirements for 2007 and Subsequent Model Year Heavy-Duty Engines (EMD).

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 "I" Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (May 20, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons for this rulemaking: Jason Wong, Air Resources Engineer, at (626) 575-6838 or e-mail [jjwong@arb.ca.gov](mailto:jjwong@arb.ca.gov), or Mike McCarthy, Manager,

Advanced Engineering Section, Mobile Source Control Division, at (626) 575-6615 or e-mail [mmccarth@arb.ca.gov](mailto:mmccarth@arb.ca.gov).

Further, the agency representative and designated back-up contact persons to who nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the agency contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or [landreon@arb.ca.gov](mailto:landreon@arb.ca.gov) as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR, and subsequent regulatory documents, including the FSOR, when completed, are available on the ARB internet site for this rulemaking at: [www.arb.ca.gov/regact/emd2004/emd2004.htm](http://www.arb.ca.gov/regact/emd2004/emd2004.htm).

#### COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will result in some additional costs to ARB but will not create cost or savings to any other state agencies. In addition, the Executive Officer has determined that the proposed regulatory action will not create costs or savings in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons and businesses. The ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of



California businesses to compete with business in other states. Support for this determination is set forth in the ISOR.

The Executive Officer has further found pursuant to Government Code sections 11346.5(a)(10) and 11346.3(b) that the proposed regulation would have minor or no impact on the creation and elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California.

The businesses to which the proposed requirements are primarily addressed and for which compliance would be required are manufacturers of California-certified heavy-duty engines and other powertrain components (e.g., transmissions) used in heavy-duty vehicles. None of these businesses are located in California. The proposed requirements are also addressed to manufacturers of heavy-duty vehicles (assemblers, coach builders, etc.) installed with California-certified heavy-duty engines.

For all of the manufacturers identified above, the costs are expected to be negligible to comply with the proposed regulatory action. Manufacturers would be able to meet the proposed monitoring requirements without the addition of extra hardware on the vehicle or engine.

In developing this regulatory proposal, ARB staff has found that the proposed regulation will pose no adverse economic impact on private persons and businesses as consumers. The Executive Officer has determined that there will be no, or negligible, potential cost impact on representative private persons or businesses as a result of the proposed regulatory action. The proposed requirements are not expected to increase the rate or the cost of vehicle repairs, so no cost impact on consumers is expected.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect a minimal number of small businesses.

The Executive Officer has determined, pursuant to Government Code section 11346.3(c) and 11346.5(a)(11), that the reporting requirements that apply to manufacturers are necessary for the health, safety, and welfare of the people of the State of California.

The proposed regulatory action would require manufacturers to file written reports. The requirements would be minimal and should have a negligible impact on vehicle costs.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the

attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### FINDING OF NECESSITY FOR REPORTS

Pursuant to Government Code section 11346.3(c), the Board finds that it is necessary for the health, safety, and welfare of the people of this state that this regulation which requires a report apply to businesses.

#### SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **by no later than 12:00 noon, May 19, 2004** and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board  
Air Resources Board  
1001 I Street, 23rd Floor  
Sacramento, California 95814

Electronic mail is to be sent to: [emd2004@listserv.arb.ca.gov](mailto:emd2004@listserv.arb.ca.gov) and received at the ARB **no later than 12:00 noon, May 19, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, May 19, 2004**.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of the staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43000.5, 43013, 43018, 43100, 43101, and 43104. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39010-39060, 39515, 39600-39601, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150-43156, 43204, 43211, and 43212 of the Health and Safety Code.

**HEARING PROCEDURES AND AVAILABILITY  
OF MODIFIED TEXT**

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the Board's Public Information Office, Air Resources Board, 1001 "I" Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, California 95814, (916) 322-2990.

**TITLE 14. SAN DIEGO  
RIVER CONSERVANCY**

**NOTICE OF INTENTION TO ADOPT THE  
CONFLICT OF INTEREST CODE OF THE SAN  
DIEGO RIVER CONSERVANCY**

**NOTICE IS HEREBY GIVEN** that the San Diego River Conservancy pursuant to the authority vested in it by section 87300 of the Government Code proposes to adopt its Conflict of Interest Code. The purpose of the code is to implement the requirements of sections 87300 through 87302 of the Government Code. Pursuant to these sections, the code will designate Board members and employees who must disclose certain investments, income, interests in real property and business positions and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. By a resolution adopted at its March 12, 2004 meeting, the San Diego River Conservancy authorized its staff to submit the proposed conflict of interest code to the Office of Administrative Law along with any other materials which the Office of Administrative Law requires to be submitted.

A 45-day written comment period has been established commencing on April 2, 2004 and terminating on May 17, 2004. Any interested party may present written comments concerning the proposed code no later than May 17, 2004 to the San Diego River Conservancy, care of the Contact Person listed below.

No public hearing will be held on this matter unless any interested person or his or her representative, by contacting the Contact Person listed below, requests a public hearing no later than fifteen (15) days prior to the close of the written comment period.

The San Diego River Conservancy has prepared a written explanation of the reasons for the designations and disclosure responsibilities and has available all of the information upon which its proposal is based.

Copies of the proposed code and all of the information upon which it is based may be obtained from the San Diego River Conservancy by contacting the Contact Person listed below. Any inquiries concerning the proposed code shall likewise be directed to the San Diego River Conservancy, care of the Contact Person listed below.

The San Diego River Conservancy has determined that its proposal:

- (1) Imposes no mandate on local agencies or school districts.
- (2) Imposes no costs or savings to any state agency.
- (3) Imposes no costs to any local agency or school district in which reimbursement is required under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- (4) Will not result in any nondiscretionary cost or savings imposed on local agencies.
- (5) Will not result in any costs or savings in federal funding to the state.
- (6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making this proposal, the San Diego River Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**CONTACT PERSON**

All inquiries concerning this proposal and any communications required by this notice should be directed to the San Diego River Conservancy, care of:

Hayley Peterson, Deputy Attorney General  
California Department of Justice  
110 West A Street, Suite 1100  
San Diego, California 92101  
Telephone: (619) 645-2540

## TITLE 24. BUILDING STANDARDS

### NOTICE OF PROPOSED ACTION

#### REGARDING PROPOSED AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CALIFORNIA BUILDING CODE

#### SEISMIC UPDATES TO STRUCTURAL PROVISIONS

Notice is hereby given that the California Building Standards Commission (CBSC) is proposing to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The CBSC is proposing building standards related to seismic updates to structural provisions.

#### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, the California Building Standards Commission will accept written comments regarding the proposed changes from April 2, 2004 until 5:00 PM on May 17, 2004.

Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

#### AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health & Safety Code Section 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of 18934.5. The California Building Standards Commission is proposing this regulatory action based on 18928, & 18934.5

#### INFORMATIVE DIGEST

##### Summary of Existing Laws

California Building Standards Law (Health and Safety Code Section 18900–18949.6) establishes the California Building Standards Commission to oversee the adoption and publications of building standards for state regulated occupancies in California. Further, existing law requires any state agency that proposes

and/or adopts a building standard to submit the building standard to the Commission for approval and publication in the California Building Standards Code. Specifically pertaining to this regulatory action, Health and Safety Code section 18934.5, authorizes the Commission to adopt building standards providing the minimum standards for the design and construction of state-owned buildings, buildings constructed by the Regents of the University of California to the extent permitted by law, and buildings constructed by the Chancellors of the State University, where no other state agency has the authority.

##### Summary of Existing Regulations

Existing regulations pertaining to this regulatory action are contained in the 2001 California Building Code (California Code of Regulations, Title 24, Part 2), which is based upon the 1997 Uniform Building Code of the International Conference of Building Officials. The regulations being modified by this action are contained in Chapters 2, 16, 17, 19, 22, 22B and 23. Chapter 2 contains definitions, Chapter 16 contains the structural design requirements; Chapter 17 contains structural testing and inspection requirements; Chapter 19 contains the concrete standards; Chapters 22 and 22B contain the steel construction standards; and, Chapter 23 contains the wood construction standards.

##### Summary of Effect

This regulatory action makes some of the more critically needed updates to California standards. These update are currently accepted, nationally recognized standards and engineering principles, which have been determined to be lacking in the California Building Code.

##### Comparable Federal Statute or Regulations

FEMA: Federal Emergency Management Agency standards.

NEHRP—National Earthquake Hazard Reduction Program standards

##### Small Business Affect

This regulatory action may or may not have an affect on small businesses, as the standards contained in building codes offer designers and owners optional construction techniques and materials. Also the size and design of a building has a bearing upon the affect, which is controlled by the designer and owner.

This enactment of standards is no different than adoption of a new cycle of codes. These standards are not different from what most states enforce in the United States. This is an improvement in standards that will provide greater structural safety in active seismic regions. These will apply only to state-owned buildings, buildings constructed by the Regents of the

University of California to the extent permitted by law, and buildings constructed by the Chancellors of the State University.

OTHER MATTERS PRESCRIBED BY STATUTE  
APPLICABLE TO THE AGENCY  
OR TO ANY SPECIFIC REGULATION OR  
CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to this proposed action.

MANDATE ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Per Health and Safety Code Section 18928, the Commission is required to adopt the most recent edition of national model building codes. This adoption is in response to that legislative mandate.

The standards are intended to promote public safety and reduce structural damage caused by lateral forces, i.e., in an earthquake. The application of these building standards provides designers and owners with options when designing and constructing new buildings or remodeling existing buildings.

There is both a potential cost to complying with the updated structural standards and a savings due to reduction in structural damage to large and tall buildings, depending upon the options taken, in addition to saving lives. Estimates of the cost or savings of this regulatory action to any state agency cannot be determined because of the variables involved, such as size of the buildings, design options used, occupancy, and magnitude of the lateral forces. However, as stated above, the Commission is legislatively mandated to adopt the most recent edition of model building codes and the costs are not considered to be exorbitant.

- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S  
HEALTH, SAFETY, OR WELFARE

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS  
UPON JOBS AND BUSINESS EXPANSION,  
ELIMINATION OR CREATION

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.  
**No affect**
- The creation of new businesses or the elimination of existing businesses within the State of California.  
**No affect**
- The expansion of businesses currently doing business with the State of California.  
**No affect**

INITIAL DETERMINATION OF SIGNIFICANT  
EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.



#### CONSIDERATION OF ALTERNATIVES

The CBSC has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman or Tom Morrison  
(back-up person)  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

#### PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Michael Nearman, Code Analyst  
California Building Standards Commission  
(916) 263-5888  
Michael.nearman@dgs.ca.gov  
(916) 263-0959

#### TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

#### NOTICE OF PROPOSED CHANGES IN REGULATIONS ORD #1003-23

#### ITEM # 1 Transitional Food Stamps and Face-to-Face Interview Exemptions

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in

writing relevant to the proposed regulations at a public hearing to be held May 19, 2004, as follows:

May 19, 2004  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 19, 2004.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS

Manual of Policies and Procedures Division 63, Chapter 63-300 (Application Process), Section 63-300 (Application Process) and Chapter 63-500 (Eligibility Determinations), Section 63-504 (Household Certification and Continuing Eligibility)

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On August 9, 2003, the Governor signed Assembly Bill (AB) 1752 (Chapter 225, Statutes of 2003). AB 1752 contains a provision requiring the state to provide a transitional food stamp benefit program. Under this statute, county welfare departments are required to provide transitional food stamp benefits to households who are terminating their participation in the CalWORKs program without the need to reestablish food stamp eligibility.

On October 9, 2003, the Governor signed AB 231 (Chapter 743, Statutes of 2003). AB 231 requires the state to screen food stamp households for face-to-face interview exemptions upon application and recertification, and to grant such exemptions when appropriate.

As a result of statutory changes, CDSS has a mandate to implement changes in the Food Stamp program by January 1, 2004.

These proposed regulations align the state regulations with the statutory changes providing transition food stamp benefits and will comply with the provisions of AB 231 by instructing counties to screen household applications for exemptions from face-to-face interviews upon application and recertification, and to grant such exemptions whenever appropriate.

## COST ESTIMATE

1. Costs or Savings to State Agencies: Costs of \$41,000 for the Face-to-Face Exemption Provision (note: \$1.2 GF was included in the 2003 Budget Act for the Transitional Benefit Provision, however, these funds were proposed for elimination in the mid-year reduction proposal of the Administration in the current State Fiscal Year (SFY). It is anticipated that State agencies will request an increase in the currently authorized budget level for the SFY 2004/2005.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No county fiscal impact exists because the costs (\$18,000) are countable towards the County Maintenance of Effort for the CalWORKs program. However, the SGF MOE dollars must be increased to backfill this \$18,000.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$59,000 in the current SFY.

## LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are "state-mandated local costs" in these regulations, which require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

## STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

## ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

## STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

## STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10554, 11265.1 and 18904, Welfare and Institutions Code. Subject regulations implement and make specific Sections 18901.6 and 18901.10, Welfare and Institutions Code.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Robin Garvey  
(916) 657-2586  
Backup: Maureen Miyamura  
(916) 657-2586

#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

### GENERAL PUBLIC INTEREST

#### BUREAU OF STATE AUDITS

##### NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Bureau of State Audits, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Bureau of State Audits proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment will designate employees who must disclose certain investments, income, interests in real property and business positions, and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing

no later than May 10, 2004, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 16, 2004, by contacting the Contact Person set forth below.

The Bureau of State Audits has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Bureau of State Audits has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or saving on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any non-discretionary costs or saving to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In Making these proposed amendments, the Bureau of State Audits must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Kathleen Spencer  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814  
(916) 445-0255  
kathleens@bsa.ca.gov

## DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P. O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P. O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians &  
Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P. O. Box 925  
Middletown, CA 95461

## DEPARTMENT OF FISH AND GAME

### PUBLIC INTEREST NOTICE

#### PROPOSED MANAGEMENT OF A FULLY PROTECTED SPECIES

Trapping and translocating Golden Eagles from the  
Channel Islands to eastern California counties

The Department of Fish and Game ("Department") has received a request for a Memorandum of Understanding (MOU) to authorize staff and assistants of Santa Cruz Predatory Bird Research Group ("SCPBRG"), under direction of Mr. Brian Walton, to take Golden Eagles (*Aquila chrysaetos*), a Fully Protected Bird. The purpose of the work is to end eagle predation on the remnant populations of Federally endangered Island Foxes (*Urocyon littoralis*), as part of recovery programs for those foxes. Cooperators are Channel Islands National Park, US Fish and Wildlife Service, The Nature Conservancy, and the University of California Santa Barbara Natural Reserve System. The goal is to remove all nesting Golden Eagles from the Channel Islands. This application is for non-lethal take only.

SCPBRG requests authorization to live-trap the eagles, transport them by air and automobile to suitable mainland eagle habitats in eastern California counties, mainly Modoc and Inyo counties, and tag birds with radio transmitters before release. Transport of Golden Eagles to Reno, Nevada, for immediate land transportation to the California release sites would be authorized under Federal permit. SCPBRG also requests authorization to enter active Golden Eagle nests. Trapping methods include standard raptor research trapping techniques, including radio-controlled bownet and powersnare, Dho-gazza net, cannon net, CODA net gun, pit trap, noose jacket, and in-nest capture by hand. Specially developed in-nest trapping techniques would include use of nest nets or



sticky-sticks. A technique for capturing particularly difficult-to-trap females at the nest would entail removing Golden Eagle eggs and replacing them with hawk nestlings obtained under separate permits, and, after capturing the brooding female on the nest, returning each nestling to the place of origin. The removed Golden Eagle eggs would be captive hatched, and nestlings would be placed into nests of Golden Eagles pairs on mainland California.

The applicant and assistants have the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from Department for research on Fully Protected species. Also, applicants are required to possess a valid permit under the Federal Eagle Protection Act

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed management is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would issue a Memorandum of Understanding on or after May 3, 2004. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

## DECISION NOT TO PROCEED

### STATE LANDS COMMISSION

#### MARINE FACILITIES DIVISION

TITLE 2. ADMINISTRATION  
DIVISION 3. STATE PROPERTY OPERATIONS  
CHAPTER 1. STATE LANDS COMMISSION  
ARTICLE 5.2

#### MARINE OIL TERMINAL ENGINEERING AND MAINTENANCE STANDARDS

#### NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

Pursuant to Government Code § 11347, the California State Lands Commission has decided not to proceed with its rulemaking action published in the California Regulatory Notice Register on August 1, 2003, OAL File #Z-03-0716-01, because it has been determined that the proposed regulations are Building

Standards and should be filed with the California Building Standards Commission under Title 24 of the California Code of Regulations.

## DISAPPROVAL DECISIONS

### DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov). You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

### STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW (Gov. Code Sec. 11349.3) OAL File No. 04-0130-03 S

#### DECISION OF DISAPPROVAL OF REGULATORY ACTION

**In re:**

**DEPARTMENT OF GENERAL SERVICES**

**REGULATORY ACTION: Title 2, California Code of Regulations (CCR)**

**ADOPT: 1896, 1896.2, 1896.4, 1896.6, 1896.8, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20, 1896.22**

**REPEAL: 1896, 1896.2, 1896.4, 1896.6, 1896.8, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20**

#### DECISION SUMMARY

This action amends the existing regulatory framework for small business eligibility and certification for bid preference in state contracting.

On March 16, 2004, the Office of Administrative Law ("OAL") disapproved the proposed repeal and adoption of sections 1896–1896.22, not consecutive, in Title 2, California Code of Regulations ("CCR") for failing to follow the procedures required by the Administrative Procedure Act ("APA").

Date: March 18, 2003

**GORDON R. YOUNG**  
Senior Staff Counsel

for: Debra M. Cornez  
Interim Director and Senior Counsel

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

##### Conflict of Interest Code

The California Unemployment Insurance Appeals Board is amending its conflict of interest code found at section 5200, title 22, California Code of Regulations. The Board is also changing the address mentioned for the Board, and the address for the Fair Political Practices Commission. These changes were approved for filing by the Fair Political Practices Commission on January 22, 2004. (The conflict of interest code is not published in full in the California Code of Regulations; it can be obtained from entities listed in the captioned citation.)

##### Title 22

California Code of Regulations

AMEND: 5200

Filed 03/23/04

Effective 04/22/04

Agency Contact: Laura Colozzi (916) 654-7712

#### CAL-PERS

##### Termination of Enrollment—Failure to Enroll in Part A & B of Medicare

This emergency regulatory action implements Government Code section 22819 by adopting the framework to notify, process, and terminate continued enrollment in PERS basic health plans by employees, annuitants, and family members who are otherwise Medicare-eligible.

##### Title 2

California Code of Regulations

ADOPT: 599.517

Filed 03/22/04

Effective 03/22/04

Agency Contact: Marilyn Clark (916) 326-3007

#### DEPARTMENT OF FOOD AND AGRICULTURE

##### Oriental Fruit Fly Interior Quarantine

This filing is a certificate of compliance for an emergency regulatory action which established an Oriental fruit fly interior quarantine area of approxi-

mately 137 square miles in San Bernardino and Los Angeles counties surrounding an infestation in the Ontario area.

##### Title 3

California Code of Regulations

AMEND: 3423(b)

Filed 03/23/04

Effective 03/23/04

Agency Contact: Stephen Brown (916) 654-1017

#### DEPARTMENT OF FOOD AND AGRICULTURE

##### Exceptions

This is a nonsubstantive change updating a section number that is referenced in an incorporated by reference handbook.

##### Title 4

California Code of Regulations

AMEND: 4001

Filed 03/23/04

Effective 04/22/04

Agency Contact: Roger Macey

#### DEPARTMENT OF HOUSING AND

##### COMMUNITY DEVELOPMENT

##### California Self Help Housing Program

The California Self Help Program provides grants to eligible sponsors that are engaged in developing, conducting, administering or coordinating programs of assistance that aid eligible households to construct or rehabilitate residential units for their own use. This regulatory action (1) increases the maximum amount of a technical assistance grant from \$100,000 to \$300,000 and (2) eliminates the requirement that the Director receive a committee recommendation prior to extending the grant term in the event of delays in project implementation beyond the reasonable control of the grantee.

##### Title 25

California Code of Regulations

AMEND: 7552

Filed 03/22/04

Effective 03/22/04

Agency Contact: Lenora Frazier (916) 323-4475

#### DEPARTMENT OF PESTICIDE REGULATION

##### Propanil Herbicide

The regulatory action deals with the use requirements for Propanil.

##### Title 3

California Code of Regulations

AMEND: 6462

Filed 03/23/04

Effective 04/22/04

Agency Contact: Fred Bundock (916) 324-4194

**DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL**

**Definition of Disclosure Statement**

In this "changes without regulatory effect" filing, the Department of Toxic Substances Control amends the definition of "disclosure statement" (for purposes of hazardous waste control regulations) to be consistent with statutory changes to Health and Safety Code section 25112.5.

Title 22

California Code of Regulations

AMEND: 66260.10

Filed 03/22/04

Effective 03/22/04

Agency Contact: Joan Ferber (916) 322-6409

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

**Prohibition of Smoking in the Workplace**

This is a certificate of compliance for the prior emergency regulatory action which prohibited anyone from smoking tobacco products in an enclosed space at a place of employment and prohibited an employer from knowingly or intentionally permitting smoking at the place of employment, unless the place of employment is excluded under Labor Code section 6404.5, subdivision (d).

Title 8

California Code of Regulations

ADOPT: 5148

Filed 03/18/04

Effective 03/18/04

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

**Asbestos Control Measures**

This regulatory action amends existing subsection (g)(5) of section 1529 of title 8 to require that one or more of the specified control measures be used in Class I asbestos work. This change is necessary to correct a discrepancy between this section and the corresponding federal regulation, 29 CFR 1926.1101. For this reason, this regulatory action is not subject to Articles 5 and 6 of the Administrative Procedure Act pursuant to subdivision (a)(3) of Labor Code section 142.3.

Title 8

California Code of Regulations

AMEND: 1529(g)

Filed 03/22/04

Effective 03/22/04

Agency Contact: Marley Hart (916) 274-5721

**STATE ALLOCATION BOARD**

**Leroy F. Greene School Facilities Act of 1998—**

**Use of NC Grants**

The regulatory action is the Certificate of Compliance for the emergency regulatory action that limited the number of projects that can utilize Use of Grants and eliminated the method of multi-track year-round education as a means to house displaced students. (Prior OAL files: 03-0206-03E, 03-0610-02EE and 03-1008-07EE.)

Title 2

California Code of Regulations

AMEND: 1859.77.2

Filed 03/22/04

Effective 03/22/04

Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD**

**Leroy F. Greene School Facilities Act of 1998—**

**Charter School Program**

The Leroy F. Greene School Facilities Act of 1998 makes funding available to eligible school districts for various purposes related to school facilities, including construction and modernization. Assembly Bill No. 14 (stats. 2002, ch. 935) became effective January 1, 2003 which in part established the Charter School Facilities Program to provide funding to qualifying entities for the purpose of establishing school facilities for charter school pupils. This filing is a certificate of compliance for an emergency regulatory action which implemented this new program.

Title 2

California Code of Regulations

ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1

Filed 03/23/04

Effective 03/23/04

Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD**

**Leroy F. Greene School Facilities Act of 1998—**

**Urban, AB 14 issues**

In this regulatory action, the State Allocation Board amends regulations pertaining to school facilities funding under the Leroy F. Greene School Facilities Act of 1998. These amendments principally implement statutory changes contained in AB 14, Chapter 935, Statutes of 2002 and AB 16, Chapter 33, Statutes of 2002.

Title 2

California Code of Regulations

AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1,

1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107,  
1859.145

Filed 03/23/04

Effective 03/23/04

Agency Contact: Lisa Jones (916) 322-1043

**STATE WATER RESOURCES CONTROL BOARD**  
**Amend Waste Discharge Prohibition Exemption**  
**Criteria**

This action amends a general prohibition of the discharge of waste water into a portion of the Mojave River basin to allow for the approval of such discharges on a case by case basis because it is expected that these surface waters can help recharge groundwater supplies in a region that needs more water, without degrading water quality.

Title 23

California Code of Regulations

ADOPT: 3956

Filed 03/24/04

Effective 03/24/04

Agency Contact: Greg Frantz (916) 341-5553

**VICTIM COMPENSATION AND GOVERNMENT**  
**CLAIMS BOARD**

**Outpatient Mental Health Service Limitations**

The Victim Compensation and Government Claims Board (Board) administers the Victim Compensation Program which assists eligible victims who incur certain expenses as a direct result of crimes. Subdivision (a)(2) of Government Code section 13957 imposes monetary caps on the amount of reimbursement for outpatient mental health counseling. The Board is authorized by subdivision (a) of Government Code section 13957.2 to establish service limitations for reimbursement for mental health counseling services. This filing is a certificate of compliance for an emergency regulatory action which imposed service limitations, including requiring treatment plans for sessions beyond a general limit, and provided for the audit of mental health counseling providers. Subdivision (a) of Government Code section 13957.2 provides that the adoption or amendment of the service limitations are not subject to the Administrative Procedure Act.

Title 2

California Code of Regulations

ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27,  
649.28

Filed 03/23/04

Effective 03/23/04

Agency Contact:

Judith A. Kopec (916) 327-4016

**CCR CHANGES FILED WITH THE**  
**SECRETARY OF STATE**  
**WITHIN NOVEMBER 12, 2003**  
**TO MARCH 24, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

03/23/04 AMEND: 1859.2, 1859.20, 1859.21,  
1859.74.2, 1859.74.3, 1859.74.4,  
1859.75, 1859.75.1, 1859.78.3, 1859.79,  
1859.81.1, 1859.83, 1859.107, 1859.145

03/23/04 ADOPT: 1859.160, 1859.161, 1859.162,  
1859.162.1, 1859.163, 1859.164,  
1859.164.1, 1859.165, 1859.166,  
1859.166.1, 1859.167, 1859.168,  
1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106,  
1859.145.1

03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26,  
649.27, 649.28

03/22/04 ADOPT: 599.517

03/22/04 AMEND: 1859.77.2

03/11/04 AMEND: Div. 8, Ch. 53, Section 54200

03/11/04 AMEND: 18703.1, 18703.2, 18703.3,  
18703.4, 18703.5

03/09/04 ADOPT: 22500, 22501, 22502, 22503,  
22504, 22505, 22506, 22507, 22508,  
22509, 22510, 22511, 22512, 22513,  
22514, 22515, 22516, 22517, 22518,  
22519

03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2,  
1859.77.2

03/01/04 AMEND: 1555

02/26/04

02/23/04 AMEND: 1181.1

02/23/04 AMEND: 59150

02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001

02/20/04 ADOPT: 58600

02/09/04 ADOPT: 599.893, 599.898, 599.906,  
599.907, 599.909 AMEND: 599.894,  
599.895, 599.896, 599.898 (renumbered  
to 599.897), 599.903, 599.904, 599.905,  
599.906 (renumbered to 599.908),  
599.910

02/05/04 AMEND: 20107

01/23/04 ADOPT: 18531.6 AMEND: 18531.61

01/22/04 AMEND: 18707.5



01/15/04 AMEND: 2270, 2271  
 01/15/04 ADOPT: 599.516  
 01/14/04 AMEND: 18427.1  
 12/29/03 REPEAL: Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, 41013  
 12/22/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153  
 12/19/03 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 185  
 12/01/03 ADOPT: Division 8, Chapter 106, Section 59500  
 12/01/03 ADOPT: 22100, 22110, 22120, 22130  
 11/20/03

### **Title 3**

03/23/04 AMEND: 3423(b)  
 03/23/04 AMEND: 6462  
 02/17/04 AMEND: 3430(b)  
 02/05/04 AMEND: 3417(b)  
 01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857  
 01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784  
 01/05/04 AMEND: 3700(c)  
 12/26/03 AMEND: 3417(b)

### **Title 4**

03/23/04 AMEND: 4001  
 03/05/04 ADOPT: 12204, 12205, 12210, 12211, 12212, 12213, 12214, 12224, 12225, 12227, 12228, 12229, 12230, 12231, 12232 AMEND: 12200, 12201, 12202, 12203, 12206, 12207, 12208, 12209, 12220, 12221, 12222, 12223, 12226  
 02/27/04 ADOPT: 12270, 12271, 12272  
 02/20/04 ADOPT: 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12304, 12305, 12309 REPEAL: 12303, 12307  
 02/05/04 AMEND: 12202, 12212, 12213, 12220, 12221, 1222, 12223, 12224, 1225, 12226, 12227, 12228, 12229, 12230, 12231, 12232  
 02/05/04 ADOPT: 12370, 12371  
 01/22/04 AMEND: 1371 REPEAL: 1373.1  
 12/15/03 ADOPT: 12250 AMEND: 12101, 12122

### **Title 5**

03/15/04 ADOPT: 19810, 19811, 19812, 12913, 19814, 19815, 19816, 19817, 19818, 19819, 19820, 19821, 19822, 19823, 19824, 19825, 19826, 19827, 19828, 19829, 19830, 19831  
 03/11/04 ADOPT: 19802  
 03/08/04 AMEND: 30060  
 02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014, 6110, 6111, 6112, 6115  
 02/10/04 AMEND: 11960  
 02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853, 589  
 01/16/04 ADOPT: 58509 REPEAL: 58509  
 12/29/03 ADOPT: 18074, 18074.1, 18074.2, 18074.3, 18075, 18075.1, 18075.2, 18076, 18076.1, 18076.2 AMEND: 18413, 18428 REPEAL: 18021  
 12/01/03 AMEND: 30950, 30953, 30954, 30958, 30959  
 11/21/03 AMEND: 50500  
 11/20/03 ADOPT: 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611

### **Title 8**

03/22/04 AMEND: 1529(g)  
 03/18/04 ADOPT: 5148  
 02/03/04 AMEND: 1712  
 02/02/04 ADOPT: 32017, 32018, 51096, 71010, 71026, 71027, 71030, 71035, 71040, 71050, 71055, 71060, 71070, 71080, 71090, 71095, 71100, 71110, 71115, 71120, 71130, 71140, 71200, 71210, 71225, 71230, 71235, 71300, 71310, 71320, 71330, 71340, 71680, 71685, 71700, 71  
 01/02/04 ADOPT: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.24, 9789.30, 9789.31, 9789.32, 9789.33, 9789.34, 9789.35, 9789.36, 9789.37, 9789.38, 9789.40, 9789.50, 9789.60, 9789.70, 9789.80, 9789.90, 9789.100, 9789.110  
 12/31/03 ADOPT: 10250  
 12/22/03 AMEND: 341.17  
 12/18/03 ADOPT: 15611 AMEND: 15600, 15601, 15601.7, 15602, 15603, 15604, 15605, 15606, 15607, 15608 REPEAL: 15610  
 11/20/03  
 11/13/03 AMEND: 32120, 32125, 32135, 32603, 32605, 32620, 32635, 32798, 32980, 61000, 61090, 31240, 61380, 61420, 61480  
 11/12/03 ADOPT: 15220, 15220.1, 15220.2, 15220.3, 15200.4, 15220.5, 15220.6, 15220.7, 15220.8 AMEND: 15201, 15210, 15210.1, 15210.2, 15216, 15430

**Title 9**

03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5, 7006, 7006.3, 7009.1, 7013.2, 7013.6, 7014, 7014.1, 7017.2, 7017.5, 7017.7, 7018.4, 7019.5, 7021.5, 7024.7, 7028.1, 7028.6, 7028.8, 7029.1, 7029.6, 7029.7, 7029.9, 7035, 7037, 7038, 7098, 7128, 7129, 7130, 7130.5, 7

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

**Title 10**

03/15/04 ADOPT: 2361  
 03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8  
 03/01/04 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.501,  
 01/16/04 AMEND: 260.102.14  
 01/02/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42  
 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45  
 12/31/03 AMEND: 2318.6, 2353.1, 2354  
 12/31/03 AMEND: 2318.6, 2353.1  
 12/30/03 ADOPT: 2699.6612, 2699.6827  
 AMEND: 2699.6500, 2699.6600, 2699.6607, 2699.6611, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.6813, 2699.6815, 2699.6819  
 12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032  
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8  
 12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074  
 REPEAL: 4070, 4071, 4072, 4073, 4074  
 12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207  
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8  
 12/26/03 REPEAL: 4035, 4036, 4037, 4038  
 12/26/03 REPEAL: 4550, 4551, 4552, 4553  
 12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619  
 12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322, 5323, 5324, 5326, 5327, 5328, 5329, 5330, 5340, 5341, 5342, 5343  
 12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305  
 12/26/03 REPEAL: 4620

12/23/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12  
 12/22/03 AMEND: 2190.05, 2190.7  
 12/15/03 ADOPT: 2591, 2591.1, 2591.2, 2591.3, 2591.4  
 11/18/03 ADOPT: 2361

**Title 11**

01/06/04 ADOPT: 2000, 2001, 2020, 2050, 2051, 2052, 2053, 2070, 2071, 2072, 2140, 2141, 2142  
 12/30/03 AMEND: 1005  
 12/05/03 AMEND: 1002(a)(8)  
 12/01/03 AMEND: 51.18  
 11/13/03 AMEND: 1005  
 11/12/03 ADOPT: 994, 994.1, 994.2, 994.3, 994.4, 994.5, 994.6, 994.7, 994.8, 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16

**Title 13**

03/01/04 ADOPT: 159.00  
 02/25/04 AMEND: 1900, 1960.1(k), 1961(a)(d), 1962  
 01/26/04 AMEND: 553.70  
 01/05/04 ADOPT: 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.12, 25.13, 25.14, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22  
 12/31/03 AMEND: 550, 551.1, 551.2, 551.11, 551.12, 551.13, 551.14, 551.15, 551.16, 551.17, 552, 553.40, 555, 555.1, 556, 557, 558, 560, 561, 562, 565, 566, 570, 571, 572, 573, 574, 575, 577, 584, 585, 586, 587, 588, 589, 590, 592, 593, 593.1, 595, 598  
 12/23/03 ADOPT: 220.20 AMEND: 220.00, 220.02, 220.04, 220.06, 220.08, 220.12, 220.14, 220.16, 220.18, 221.00, 221.02, 221.04, 221.06, 221.08, 221.10, 221.12,  
 12/23/03 ADOPT: 225.48

**Title 14**

03/08/04 AMEND: 3698, 3699  
 03/02/04 AMEND: 18464, 18465  
 02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50, 5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43, 195  
 02/09/04 AMEND: 630  
 02/02/04 AMEND: 112  
 01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58  
 01/15/04 AMEND: 150.06(c)  
 01/12/04 ADOPT: 17946, 17949  
 12/31/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13,

4970.14, 4970.15, 4970.16, 4970.17,  
4970.18, 4970.19, 4970.20, 4970.21.  
4970.21, 4970.21, 4970.22, 4970.23,  
4970.2

12/30/03 ADOPT: 1.18

12/26/03 AMEND: 7.50(b)(147)

12/01/03 AMEND: 895, and 913.4, 933.44, 953.4  
(Special Prescriptions)

12/01/03 AMEND: 895.1, 898(a), 914.8, [934.8,  
954.8](g), 916 [936, 956](e), 916.2  
[936.2, 956.2], 916.9 [936.9, 956.9],  
916.11, [936.11, 956.11](b), 916.12,  
[936.12, 956.12](f), 923.3, [943.3,  
963.3](h), 923.9, [943.9, 963.9](g)

11/18/03 REPEAL: 895, 895.1, 913.13, 936.13,  
956.13, 916.13, 936.13.1, 956.13.1,  
916.13.2, 936.13.2, 956.13.2, 916.13.3,  
936.13.3, 956.13.3, 916.13.4, 936.13.4,  
956.13.4, 916.13.5, 936.13.5, 936.13.5,  
956.13.5, 916.13.6, 936.13.6, 956.13.6,  
916.13.7, 936.13.7, 956

11/13/03 AMEND: 163, 164

#### **Title 14, 27**

12/26/03 ADOPT: 17387, 17387.1, 17387.5,  
17388, 17388.1, 17388.2, 17388.3,  
17388.4, 17388.5, 17389, 17390, 18223.6  
AMEND: 24565, 21570

#### **Title 15**

03/03/04 AMEND: 2005

01/27/04 AMEND: 3426

01/09/04 ADOPT: 3000 AMEND: 3005, 3044,  
3062, 3313, 3314, 3315, 3323, 3376

12/30/03 AMEND: 3044, 3092, 3138, 3190

12/02/03 AMEND: 3082(a)

12/01/03 AMEND: 3044(d) & (e)

#### **Title 16**

03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154,  
4155

03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,  
1877 REPEAL: 1815

01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4,  
59, 60, 61, 68.2, 68.3, 68.4, 68.5  
AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2,  
98 REPEAL: 52.1

12/29/03 AMEND: 3830

12/18/03 AMEND: 1920

11/25/03 AMEND: 1610, 1615, 1690 REPEAL:  
1622

11/13/03 ADOPT: 1314.1 AMEND: 1300.4

11/12/03 AMEND: 1399.662, 1399.666, 1399.667,  
1399.668

#### **Title 17**

02/05/04 ADOPT: 90800.75, 90800.9, 90804  
AMEND: 90800.8, 90801, 90802, 90803

02/03/04 AMEND: 50604, 50608, 54326, 54370,  
56003, 56082, 57540, 58510, 58671

01/23/04 AMEND: 54001, 54010

12/05/03 ADOPT: 94166, 94167 AMEND: 94010,  
94011, 94163, 94164, 94165

12/04/03 AMEND: 70600, 70601

12/02/03 AMEND: Division 2, Chapter 1', Article  
5, Subchapter 3, Section 50300

#### **Title 18**

01/26/04 AMEND: 1591

01/21/04 ADOPT: 1621

12/22/03 ADOPT: 1598.1

12/04/03 REPEAL: 24348 (a)

#### **Title 20**

01/14/04 ADOPT: 14.7

12/31/03 ADOPT: 1395, 1395.1, 1395.2, 1395.3,  
1395.4, 1395.6

#### **Title 22**

03/23/04 AMEND: 5200

03/22/04 AMEND: 66260.10

03/08/04 AMEND: 97232

02/26/04 AMEND: 66260.10, 66268.7, 66268.8,  
66268.42

02/24/04 ADOPT: 51008.1 AMEND: 51104,  
51520, 51521

02/03/04 ADOPT: 51200.01 AMEND: 51000.4,  
51000.30, 51000.45, 51000.50, 51000.55,  
51200, 51454

01/14/04 ADOPT: 51315 REPEAL: 51515

12/24/03 ADOPT: 1326-3 AMEND: 1251-1,  
1253(a)-1, 1326-2, 1326-4, 1326-5,  
1326-6

12/09/03 AMEND: 66262.32

#### **Title 22, MPP**

03/11/04 ADOPT: 102416.1 AMEND: 80001,  
80019, 80019.1, 80019.2, 80054, 80061,  
80065, 80066, 87101, 87219, 87219.1,  
87454, 87565, 87566, 87801, 87819,  
81819.1, 87854, 87861, 87865, 87866,  
101152, 101170, 101170.1, 101170.2,  
101195, 101212, 101216, 101217,  
102352,

12/30/03 AMEND: 101170, 102370

12/29/03 ADOPT: 87701.2 AMEND: 87101,  
87218, 87561, 87575.1, 87577, 87578,  
87691, 87701, 87701.1, 87701.2, 87702,  
87702.1, 87703, 87704, 87705, 87707,  
87708, 87709, 87710, 8711, 87713

12/17/03 ADOPT: 85001(a)(2)-(4), 85001(d)(1),  
85001(f)(1), 85001 (h)(1) -(4),  
85001(t)(1); 85075.1, 85075.2, 85075.3  
AMEND: 85075.4

12/10/03 ADOPT: 89002 AMEND: 80017, 87118,  
87817, 88030, 89317, 110168, 102368

11/18/03 ADOPT: 84065.2(a)(1)(A)(1)(A)(2),  
64065.5(b)(1)(b)(2), 64065.7(d),  
8400(b)(b)(1)(2)(3)(4)(),  
84222(a)(5)(B)(a)(12)(a)(13),  
84265(c)(1)(C)(D)(c)(4)(C)(D)(e)(e)(1),  
84268.3(a)(1), 84272.1(e), 84274(c)(3),  
84275(c), 84277(a)(1), 84278(g),  
84278.1(g) AMEND:

11/12/03 ADOPT: 102416.1 AMEND: 80001,  
80019, 80019.1, 80019.2, 80054, 80061,  
80065, 80066, 87101, 87219, 87219.1,  
87454, 87565, 87566, 87801, 87819,  
81819.1, 87854, 87861, 87865, 87866,  
101152, 101170, 101170.1, 101170.2,  
101195, 101212, 101216, 101217,  
102352,

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03/24/04 ADOPT: 3956

02/27/04 ADOPT: 3939.6

02/27/04 ADOPT: 3939.7

01/30/04 ADOPT: 3939.4

01/30/04 ADOPT: 3939.5

01/26/04 ADOPT: 3717

01/05/04 AMEND: 3977

12/23/03 ADOPT: 1061, 1062, 1063, 1064, 1065,  
1066, 1067, 1068, 1069, 1070, 1071,  
1072, 1073, 1074, 1075, 1076, 1077,  
1078, 3833.1 AMEND: 655, 656, 676,  
736, 791, 793, 812, 842, 871, 1010, 3833,  
3867 REPEAL: 677

12/22/03 AMEND: 3926

12/18/03 ADOPT: 3927

11/19/03 ADOPT: 3924

### Title 25

03/22/04 AMEND: 7552

### Title 28

02/24/04 AMEND: 1000

### Title MPP

02/26/04 ADOPT: 63-502.371 AMEND: 63-  
502.371, 63-502.372, 63-502.373, 63-  
502.374, 63-502.375, 63-502.376  
REPEAL: 63-502.371(c)

02/25/04 AMEND: 63-503, 63-504, 63-505

02/02/04 ADOPT: 47-120, 47-430 AMEND: 40-  
107, 40-131, 40-181, 42-711, 47-301

01/16/04 AMEND: 63-300, 63407, 63-408, 63-  
410, 63-411, 63-503, 63-505

12/31/03 AMEND: 42-207, 42-215, 63-501, 63-  
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12/29/03 AMEND: 42-712, 42-719, 44-111

12/15/03 AMEND: 11-405.2, 11-406(f)

11/26/03 AMEND: 40-181.1,(e), 40-181.22, 42-  
710.6, 42-711.51, 42-721.1, 42-721.41,  
44-314.1, 80-310(r), 82-812.6

